

TRANSPORTATION COMMITTEE

A RESOLUTION CONCERNING THE DESIGN, CONSTRUCTION, OPERATION AND MAINTENANCE OF PROJECT NUMBER FC-7692-04, CONRAC AUTOMATED PEOPLE MOVER SYSTEM, AND AUTHORIZING THE MAYOR TO EXECUTE: [i] A PURCHASE ORDER AND DESIGN-BUILD CONTRACT WITH ARCHER WESTERN CONTRACTORS, LTD./CAPITAL CONTRACTING COMPANY, INC., A JOINT VENTURE, IN A TOTAL AMOUNT NOT TO EXCEED \$170,501,627; AND [ii] AN OPERATIONS AND MAINTENANCE AGREEMENT WITH SUMITOMO CORPORATION OF AMERICA/MITSUBISHI HEAVY INDUSTRIES AMERICA, INC., A JOINT VENTURE, ON BEHALF OF THE DEPARTMENT OF AVIATION; ALL CONTRACTED WORK FOR THE DESIGN-BUILD AGREEMENT SHALL BE CHARGED TO AND PAID FROM 2H21 574001 R21E07069999 (AIRPORT RENEWAL & EXTENSION FUND, FACILITIES OTHER THAN BUILDINGS ACCOUNT, CONRAC PARKING FACILITY CENTER) IN THE AMOUNT OF \$17,501,627, 2H21 574001 R21E013593DB (AIRPORT RENEWAL & EXTENSION FUND, FACILITIES OTHER THAN BUILDINGS ACCOUNT, CONRAC APM CENTER) IN THE AMOUNT OF \$116,560,220, AND 2H21 575001 R21E013593DB (AIRPORT RENEWAL & EXTENSION FUND, EQUIPMENT ACCOUNT, CONRAC APM CENTER) IN THE AMOUNT OF \$36,439,780; AND FOR OTHER PURPOSES.

WHEREAS, the City of Atlanta's ("City") Department of Procurement did solicit sealed Proposals for Project Number FC-7692-04, CONRAC Automated People Mover (APM) System ("Project"), on behalf of the Department of Aviation, and the Chief Procurement Officer and Aviation General Manager have made a recommendation to award the Project to the most responsible and responsive Proponent, a team composed of Archer Western Contractors, Ltd./Capital Contracting Company, Inc. ("AWC-CCC"), A Joint Venture, and Sumitomo Corporation Of America/Mitsubishi Heavy Industries America, Inc. ("Sumitomo/Mitsubishi"), A Joint Venture; and

WHEREAS, due to the complexity of the Project, and upon advice of counsel, the transaction was structured to contemplate three (3) separate contractual components:

1. The execution between the "City" and "AWC-CCC" of a Purchase Order for the procurement of the APM trains and train control equipment in an amount not to exceed \$38,525,226;
2. The execution between the "City" and "AWC-CCC" of a Design-Build Contract for the APM Guide Way, Maintenance and Storage Facility, and APM Stations in an amount not to exceed \$131,976,401; and
3. The execution between the City and "Sumitomo/Mitsubishi" of an Operations and Maintenance Agreement for the completed Project, to be funded in the future by the enactment of separate legislation at the completion of the Project.¹

¹The City intends that the Operations and Maintenance Agreement will not become effective and the City will incur no obligation under it until the City accepts the completed and operational CONRAC APM, the Council of the City approves the initial five year funding for the Operations and Maintenance Agreement (approximately \$21,000,000) and a Notice to Proceed is issued to

WHEREAS, based upon the recommendations of the Chief Procurement Officer and Aviation General Manager, the City has determined that it is desirable and in its best interests to award the Project to "AWC-CCC" and "Sumitomo/Mitsubishi";

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA, that the Mayor is authorized to execute:

1. with "AWC-CCC" a Purchase Order for the procurement of the APM trains and train control equipment in an amount not to exceed \$38,525,226;
2. with "AWC-CCC" a Design-Build Contract for the APM Guide Way, Maintenance and Storage Facility, and APM Stations in an amount not to exceed \$131,976,401²;
3. with "Sumitomo/Mitsubishi" an Operations and Maintenance Agreement for the completed Project, to be funded in the future by the enactment of separate legislation at the completion of the Project; and
4. any other documents or instruments necessary or appropriate to consummate the transactions authorized by this Resolution.

BE IT FURTHER RESOLVED, that the City Attorney is directed to prepare a Purchase Order, Design-Build Contract and Operations and Maintenance Contract, and any other documents or instruments deemed necessary or appropriate to consummate the transactions authorized by this Resolution, for execution by the Mayor, to be approved by the City Attorney as to form.

BE IT FURTHER RESOLVED, that no document or instrument executed concerning this transaction, including, but not limited to, the Purchase Order, Design-Build Contract or Operations and Maintenance Contract, will become binding on the City and the City will incur no liability under them until each has been executed by the Mayor, attested to by the Municipal Clerk, approved as to form by the City Attorney, and delivered to the appropriate contracting parties.

BE IT FINALLY RESOLVED, that all contracted work shall be charged to and paid for from Fund Account and Center Numbers 2H21 574001 R21E07069999, in the amount of \$17,501,627, 2H21 574001 R21E013593DB, in the amount of \$116,560,220, and 2H21 575001 R21E013593DB, in the amount of \$36,439,780.

"Sumitomo/Mitsubishi." The purpose of executing the Operations and Maintenance Agreement at this time is to ensure that operations and maintenance services are readily available for the specific CONRAC APM equipment installed by the company providing such equipment.

²The total of the Purchase Order and Design-Build Contract may not to exceed \$170,501,627.